

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-23-C ORDER NO. 2021-70-H

JUNE 2, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Joint Application (Public Version) of Charter Fiberlink SC-CCO, LLC and Time Warner Cable Information Services (South Carolina), LLC for Designation as an Eligible Telecommunications Carrier to Receive Rural Digital Opportunity Fund Auction (Auction 904) Support for Voice and Broadband Services and Request for Expedited Consideration

MATTER UNDER CONSIDERATION:

Motion for Leave to File Under Seal and Request for Confidential Treatment

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Motion for Leave to File Under Seal and Request for Confidential Treatment of Charter Fiberlink SC-CCO, LLC and Time Warner Cable Information Services (South Carolina), LLC (collectively, the "Charter Entities"). Attachment A to the Motion contains a list of certain awarded census block groups assigned to the Charter Entities through the Rural Digital Opportunity Fund ("RDOF") Phase I Auction ("Auction 904"), which were subsequently identified for relinquishment and recently submitted to the Federal Communications Commission ("FCC").

The Charter Entities consider the census block groups set forth in Attachment A to be highly sensitive, confidential, and proprietary. Thus, in the view of the Charter Entities, strict protection of the information contained in Attachment A from public disclosure is reasonable and appropriate until the FCC publishes its modified list of Charter RDOF Phase I Auction census blocks awarded for funding. The Charter Entities assert that disclosure prior thereto has the potential to commercially harm them, and damage their ability to compete in the marketplace. For the foregoing reasons, and believing that just cause exists for maintaining Attachment A in strict confidence, the Charter Entities request that Attachment A be accepted for filing under seal and that it be maintained under seal and unavailable for public review, copying, and any other access.

The Charter Entities have stated just cause for maintaining confidentiality for Attachment A. At this time, disclosure prior to the time that the FCC publishes its modified list of Charter RDOF Phase I Auction census blocks awarded for funding has the potential for commercial harm and may damage their ability to compete in the marketplace.

Accordingly, Attachment A shall be accepted for filing under seal and shall be maintained under seal and unavailable for public review, copying, and any other access at this time.

Once the FCC provides the Charter Entities with its modified RDOF awarded census block list under the Phase I auction for South Carolina, the Charter Entities shall provide notice of same to the Commission and the Office of Regulatory Staff. The modified list would then be public and available to the Commission to update its files to reflect the RDOF census blocks that constitute the ETC designated areas granted to the Charter Entities in this Docket. Also, as stated by the Charter Entities, at the time that the Charter Entities provide the above-stated notice to the Commission and the Office of Regulatory Staff, Attachment A would no longer need to be maintained in confidential form and under seal.

This completes the Chief Hearing Officer's Directive.